IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 18078 of 2004

Between:

Shri Gosala Babu Rao S/o late Shri G.Narayana,
R/o 1/88, Prakash Nagar, Proddutur Mandal, Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional officer, Jammalamadugu,
Kadapa District.
2 The Mandal Revenue Officer, Jammalamadugu,
Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of certiorari calling for records in Ref:B/997/2004, dt.20-09-2004 and quash the same as arbitrary, illegal, unjust, violative of principles of natural justice, contrary to the Rules of A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order, 2001.

Counsel for the Petitioner : Mrs .RACHNA S.WADDEPALLI

Counsel for the Respondents: G.P. FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

This writ petition is filed aggrieved by the order passed by the Revenue Divisional Officer, Jammalamadugu dated 20.9.2004 whereunder the authorization of the petitioner was suspended pending enquiry.

Heard the learned counsel for petitioner and the learned Government Pleader appearing for respondents.

A perusal of the impugned order shows that the only allegation made against the petitioner is that he is not residing in the village. Law is well settled that suspension pending enquiry cannot be made as a matter of course and that the licensing authority is bound to exercise the discretion reasonably and bona fide considering the facts and circumstances of the case. In all cases where it is possible to give an opportunity to the lincensee, the licensing authority should not resort to the drastic step of suspension as an invariable rule. In the case on hand, since there is no allegation of diversion of stocks to black-market or any other grave allegation of misappropriation, I find force in the contention of the learned counsel for the petitioner that the suspension of authorization pending enquiry is not warranted. Instead, the first respondent ought to have issued a notice and conducted an enquiry into the allegation that the petitioner is not residing in the village.

The learned Government Pleader, under instructions, states that after the impugned order was passed, a show cause notice was issued to the petitioner on 21.10.2004 and necessary enquiry will be conducted on the basis of the explanation of the petitioner.

It is also relevant to note that this Court while directing notice before admission on 6.10.2004, granted interim suspension of the impugned order while leaving it open to the respondents to proceed with the enquiry.

In the circumstances, the writ petiton is disposed of with a direction to the respondents to complete the enquiry initiated against the petitioner and pass appropriate orders in accordance with law after affording due opportunity to the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till the enquiry is completed, the impugned

order of suspension shall not be given effect to. No costs.

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G.ROHINI, J

Date: 26.10.2004

Note:

C.C. in (2) days.

B/o

DA

To

1 The Revenue Divisional officer, Jammalamadugu,
Kadapa District.
2 The Mandal Revenue Officer, Jammalamadugu,
Kadapa District.

3 Two CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad (OUT).

4 Two CD copies.